

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILLIAM R. PESKIN and MARK PERKINS
on behalf of themselves and all other similarly
situated,

Plaintiffs,

v.

PEACHTREE INVESTMENT SOLUTIONS,
LLC; DWAYNE PETERSON DAVIS; J.
STEPHEN BUSH; OLD IVY CAPITAL
PARTNERS, LLC; DANIEL S. CARBONARA;
BRYAN CAVE LEIGHTON PAISNER, LLP;
JOHN PAUL BARRIE; TENNILLE &
ASSOCIATES, INC.; JEAN H. ROBERTS, in
her capacity as Personal Representative for THE
ESTATE OF DAVID R. ROBERTS;
FOOTHILLS LAND CONSERVANCY, INC.;
WILLIAM C. CLABOUGH, SR. and WARREN
AVERETT, LLC,

Defendants.

CIVIL ACTION FILE
NO. 1:21-cv-00002-SCJ

**DEFENDANTS FOOTHILLS LAND CONSERVANCY AND WILLIAM C.
CLABOUGH, SR.'S MOTION TO DISMISS PLAINTIFFS' SECOND
AMENDED CLASS ACTION COMPLAINT**

COMES NOW, Foothills Land Conservancy ("FLC") and Defendant William C. Clabough, Sr. ("Clabough") ("FLC" and "Clabough" are collectively referred to as "FLC Defendants"), and move this Court pursuant to Fed. R. Civ. Proc. 12(b) to

dismiss all claims asserted against it in Plaintiffs' Second Amended Class Action Complaint ("FAC"). (Doc. 166). Plaintiffs have once again failed to state a claim upon which relief can be granted and cannot prevail on the merits of their claims against the FLC Defendants. In support of this motion, the FLC Defendants rely on the arguments and citations to authority presented in the accompanying memorandum of law. For the reasons more fully set forth in the accompanying memorandum, the FLC Defendants' motion should be granted, and this Court should enter judgment in favor of the FLC Defendants and dismiss all causes of action asserted in Plaintiffs' SAC against Defendants FLC and Clabough with prejudice.

Respectfully submitted,

FREEMAN MATHIS & GARY, LLP

/s/ Dana K. Maine

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CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to Local Rule 7.1(D), that the foregoing motion has been prepared in accordance with Local Rule 5.1(C) (Times New Roman font, 14 point).

FREEMAN MATHIS & GARY, LLP

/s/ Dana K. Maine

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically submitted the foregoing **Defendants Foothills Land Conservancy and William C. Clabough, Sr.'s Motion to Dismiss Plaintiffs' Second Amended Class Action Complaint** to the Clerk of Court using the CM/ECF *e-filing* system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants.

/s/ Dana K. Maine

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